

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT W. TYRRELL,

Plaintiff,

V.

THE DOW CHEMICAL COMPANY,

Defendant.

C.A. 1:15-CV-14141-IT

JOINT STATEMENT

Plaintiff Robert Tyrrell and Defendant The Dow Chemical Company respectfully submit the following Joint Statement in accordance with this Court's Notice of Scheduling Conference and L.R. 16.1(d). Counsel for the Parties have conferred concerning all matters herein, and have agreed in full upon this Joint Statement.

TIMETABLE FOR DISCOVERY AND MOTION PRACTICE

1. **Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) and by this court's Notice of Scheduling Conference must be completed by **April 1, 2016**.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after **May 1, 2016**.
3. **Fact Discovery – Interim Deadlines.**
 - a. All requests for production of documents and interrogatories must be served by **July 1, 2016**.
 - b. All requests for admission must be served by **July 1, 2016**.
 - c. All depositions, other than expert depositions, must be completed by **November 1, 2016**.
4. **Fact Discovery – Final Deadline.** All discovery, other than expert discovery, must be completed by **November 1, 2016**.

5. **Status Conference.** A status conference will be held at a date and time to be later determined by the Court.
6. **Expert Discovery.**
 - a. Plaintiff(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by **November 1, 2016**.
 - b. Plaintiff(s)' trial experts must be deposed by **January 1, 2017**.
 - c. Defendant(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by **December 1, 2016**.
 - d. Defendant(s)' trial experts must be deposed by **February 1, 2017**.
7. **Dispositive Motions.**
 - a. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by **March 14, 2017**.
8. **Initial Pretrial Conference.** An initial pretrial conference will be held at a date and time to be determined by the Court. The parties shall prepare and submit a pretrial memorandum in accordance with Local Rule 16.5(d) five business days prior to the date of the conference.
9. **Reassignment to a Magistrate Judge.** The parties do not consent to reassignment of the case to a magistrate judge.
10. **Local Rule 16.1(d)(3) Certification.** Plaintiff and Defendant's attorneys affirmatively state and certify by their signatures that they have discussed the probable budget for prosecuting and defending this action with their clients. Rule 16.1(d)(3) Certificates will be filed independently by each party.

PROCEDURAL PROVISIONS

11. **Extension of Deadlines.** Motions to extend or modify deadlines will be granted only for good cause shown. All motions to extend shall contain a brief statement of the reasons for the request; a summary of the discovery, if any, that remains to be taken; and a specific date when the requesting party expects to complete the additional discovery, join other parties, amend the pleadings, or file a motion.
12. **Motions to Compel or Prevent Discovery.** Except for good cause shown, motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, and similar motions must be filed no later than seven days after the close of fact discovery or the close of expert discovery, whichever deadline is relevant. If additional discovery is compelled by the court after the relevant deadline has passed, the court may enter such additional orders relating to discovery as may be appropriate.

13. **Status Conferences.** The court has scheduled a status conference after (or close to) the close of fact discovery for case management purposes. Any party who reasonably believes that a status conference will assist in the management or resolution of the case may request one from the court upon reasonable notice to opposing counsel.
14. **Additional Conferences.** Upon request of counsel, or at the court's own initiative, additional case-management or status conferences may be scheduled.
15. **Early Resolution of Issues.** The court recognizes that, in some cases, resolution of one or more preliminary issues may remove a significant impediment to settlement or otherwise expedite resolution of the case. Counsel are encouraged to identify any such issues and to make appropriate motions at an early stage in the litigation.
16. **Pretrial Conference.** Lead trial counsel are required to attend any pretrial conference.

PLAINTIFF
ROBERT TYRRELL
By his attorneys,

DEFENDANT
THE DOW CHEMICAL COMPANY
By its attorneys,

/s/ Michael M. McArdle

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Joint Statement through the ECF system on the 7th day of March, 2016 and that notice will be sent electronically to all counsel who are registered participants identified on the Mailing Information for C.A. 1:15-CV-14141-IT.

/s/ Kennell M. Sambour